

**UNITED STATES
DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
VALE DISTRICT OFFICE**

DECISION RECORD

Idaho Power Line 216 Duke – Halfway 69 kV
Transmission Rebuild ORE-0-05129
Environmental Assessment DOI-BLM-OR-V050-2015-029

BACKGROUND

Idaho Power Company (IPC) has submitted an application to the Bureau of Land Management (BLM), Vale District, Baker Field Office, to amend its existing right-of-way (ORE-05129). The amendment is necessary to facilitate a proposed rebuild of the Duke – Halfway 69 kilovolt (kV) electric transmission power line (Line 216), authorize the existing and proposed road network that provides access into and along the transmission line right-of-way (ROW), and allow IPC to continue to operate and maintain the power line.

IPC needs to rebuild this line to maintain reliability standards and to ensure adequate power supply to the towns of Halfway and Richland. IPC has been conducting maintenance on this line for the past several years in an attempt to meet the needs of customers in the area and to comply with federal mandatory reliability requirements as defined by the North American Electric Reliability Corporation (NERC). However, the area and line continues to experience outages and low electrical reliability. Continuing to perform routine maintenance activities will not address reliability and power supply issues. These local power outages adversely affect residents and businesses that rely on a steady source of power. As a regulated utility, IPC needs to meet current and future power needs in a fiscally responsible manner. The proposed action addresses current deficiencies by considering reliability issues while minimizing environmental impacts and costs to IPC's rate payers.

Line 216 is located in eastern Oregon and extends from IPC's Brownlee Dam generating facility to its Halfway Substation near Pine, Oregon. The line extends across public lands under the jurisdiction of the BLM and private lands. ORE-05129 authorizes an 80-foot-wide ROW covering 5.57 miles across public lands described as follows:

Willamette Meridian in Baker County, Oregon

T. 8 S., R. 46 E.

Sec. 24, SE1/4NE1/4

T. 8 S., R. 47 E.

Sec. 19, lots 2 and 3, SW1/4SE1/4, E1/2 SW1/4

Sec. 25, lots 1-4 and 8

Sec. 27, N1/2 N1/2

Sec. 28, N1/2 N1/2

Sec. 29, NE1/4NE1/4, N1/2NW1/4

Sec. 30, N1/2 NE1/4

T. 8 S., R. 48E.

Sec. 30, lot 2

On September 17, 2015, members of the public were notified via mail and newspaper notice that the EA was available for public comment and if any person wanted to provide comments, they were to be submitted to the Vale District on or before October 2, 2015. No comments were received.

COMPLIANCE

The Duke to Halfway 68 kV Transmission Line Rebuild EA is tiered to the Baker Resource Management Plan and Record of Decision (BRMP, 1989). The BRMP states that rights-of-way and utility corridors should use areas adjoining or adjacent to previously disturbed areas whenever possible, rather than traverse undisturbed communities. The Proposed Action is in conformance with this plan and is also in compliance with the following documents:

- Endangered Species Act (ESA) of 1973 (16 U.S.C. §1531 et seq.)
- National Environmental Policy Act of 1969 (42 U.S.C. §4321 et seq.)
- Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. §1701 et seq.)
- Clean Water Act of 1972 (33 U.S.C. §1251 et seq), as clarified by the Clean Water Rule produced in 2015
- Energy Policy Act of 2005 (Public Law 109-58)
- National Historic Preservation Act of 1966, as amended (16 U.S.C. §470 et seq.)

Consultation and Coordination

A ROW application was submitted to the BLM on June 12, 2014. Following submission of the application, the BLM determined that an EA was required to identify and assess potential resource impacts pursuant to the NEPA.

The scoping phase of the EA consisted of agency contact for purposes of gathering data, disseminating plan information and identifying and understanding issues identified during scoping. Additionally, previous environmental documentation and existing agency data (e.g., Baker Resource Area RMP) was reviewed and evaluated for applicability and adequacy for use during the preparation of this EA.

The Proposed Action was designed to comply with FLPMA and the regulations contained within 43 CFR 2800, the Baker Resource Area RMP, and other applicable environmental laws and policies. The Proposed Action was analyzed by the BLM and this EA was prepared for and under the direction of the BLM.

DECISION

Having considered the two alternatives and associated impacts based on analysis in DOI-BLM-OR-V050-2015-029-EA, it is my decision to implement the Proposed Action including all design elements described in the EA and the Plan of Development (Appendix A) attached to the EA.

The Proposed Action is to amend IPC's existing grant (ORE-05129). The amendment is necessary to facilitate a proposed rebuild and reroute of Line 216, authorize approximately 7.4 miles of existing and proposed service roads used to access the transmission line facility, and allow IPC to continue to operate and maintain the transmission line and road network.

The Proposed Action would continue to occupy the existing 80-foot-wide ROW and would follow Sheep Mountain Road and the Pine Telephone System buried underground fiber optic cable (ROW OR-56727) to IPC's Brownlee-Quartz 230kV Transmission Line (Line 903). The Proposed Action would then parallel the Line 903 ROW (OR-60931) down slope to structure 298 and then tie back into the existing ROW for Line 216. For a more detailed description of the Proposed Action, see EA DOI-BLM-OR-V050-2015-029.

I have found and documented in a corresponding Finding of No Significant Impact (FONSI) statement that the Proposed Action will not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) was unnecessary and will not be prepared.

DECISION RATIONALE

The Proposed Action meets the purpose and need of the project to ensuring that use of public lands occurs in a manner consistent with FLPMA, the Energy Policy Act of 2005 (Public Law 109-58), and the applicable Resource Management Plan (RMP). The FLPMA authorizes the use of public land for the public interest, and the Energy Policy Act encourages energy efficiency and conservation, promotes alternative and renewable energy sources, reduces dependence on foreign sources of energy, and increases domestic production. The BLM's purpose is to consider IPC's application to amend their existing ROW grant. The BLM's need is established by the BLM's responsibility under FLPMA to respond to a request for a ROW grant.

AUTHORITY

FLPMA Rights-of-Way and NEPA - Under the Federal Land Policy and Management Act (FLPMA, Title V) and its implementing regulations, BLM is authorized to grant, issue, or renew rights-of-way over public land so long as the action does not violate existing ROWs, laws, or regulations, and protects the public interests. The BLM is also required to comply with the National Environmental Policy Act (NEPA) and the Council of Environmental Quality (CEQ) regulations.

43 CFR 2800 Regulations –Rights-of-way under the FLPMA - document actions to be taken under this Act to amend and approve ROW applications in utility and other like ROW corridors.

RIGHT OF APPEAL

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice must be filed in the Vale District Office, 100 Oregon Street, Vale, Oregon, 97918 within 30 days of receipt. The appellant has the burden of showing that the decision appealed is in error.

Filing an appeal does not by itself stay the effectiveness of a final BLM decision. If you wish to file a petition for a stay of the effectiveness of this decision, pursuant to 43 CFR 4.21, the petition for stay must accompany your notice of appeal. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for stay is required to show sufficient justification based on the standards listed below.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

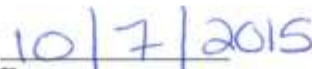
A notice of appeal electronically transmitted (e.g. email, facsimile, or social media) will not be accepted as an appeal. Also, a petition for stay that is electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a petition for stay. Both of these documents must be received on paper at the office address above.

Persons named in the Copies sent to: sections of this decision are considered to be persons "named in the decision from which the appeal is taken." Thus, copies of the notice of appeal and petition for a stay must also be served on these parties, in addition to any party who is named elsewhere in this decision (see 43 CFR 4.413(a) & 43 CFR 4.21(b)(3)) and the appropriate Office of the Solicitor (see 43 CFR 4.413(a), (c)) **Office of the Solicitor, US Department of the Interior, Pacific Northwest Region, 805 SW Broadway, Suite 600, Portland, Oregon 97205**, at the same time the original documents are filed with this office. For privacy reasons, if the decision is posted on the internet, the Copies sent to: section will be attached to a notification of internet availability and persons named in that section are also considered to be persons "named in the decision from which the appeal is taken."

Any person named in the decision, Copies sent to: section of the decision, or who received a notification of internet availability that receives a copy of a petition for a stay and/or an appeal and wishes to respond, see 43 CFR 4.21(b) for procedures to follow.

For any questions concerning this project, please contact the Project Lead, Trisha Skerjanec at the Vale District Office at (541) 473-3144.


Lori D. Wood
Baker Field Manager
Vale District BLM


Date